

**CITY OF TEMPE
pH POLICY
FOR ISSUING A NOTICE OF VIOLATION**

The pH shall be considered a normal discharge if the pH is between 5 pH and 10.5 pH.

In accordance with local limits, at no time shall the pH being discharged from a facility be greater than 10.5 or less than 5 standard units.

At the discretion of the City, an Informal Notice of Violation can be issued if:

- The violation is between 10.5 pH and 12.5 pH, and/or
- The violation is below 5 pH and above 2 pH.
- The length of violation(s) for the 24-hour period is less than 1% of time (15 minutes).

The inspector will take into consideration the following:

- The volume of discharge. Flows of less than 5 gpm will not qualify for a written NOV – to be addressed through informal notice.
- The past history of the facility, including the response and notice given by the facility. The past history should include other effluent violations.
- The safety of workers downstream, including treatment plant workers.
- Possibility of treatment plant upset (Kyrene Reclamation Plant) including the odor scrubber.

A GRAB sample shall be sufficient to proceed with a written and/or verbal Notice of Violation (EPA interpretation).

A written Notice of Violation will be issued for a pH value of less than 2 pH and/or greater than 12.5 pH. An exception can only be granted by the Environmental Division supervisory staff.

FEDERAL AND LOCAL GUIDELINES

40 CFR 401.17

40 CFR 403.5

40 CFR 261.22

EPA Letter to New Jersey Dept. of Environmental Protection and Energy Dated May 13, 1993
Chapter 27, Article I, Section 27-106 (2)

47 FR 24534

INFORMAL NOTICE OF VIOLATION (formerly Verbal Notices)

Informal Notices of Violation will be issued when there is less than 15 minutes of non-compliance over a twenty-four hour period for continuous discharges who are required to monitor the pH of the effluent. These must be documented in the file and issued to the discharger by use of a document titled "Informal Notice of Violation." The notice must cover, at a minimum, the person issuing the NOV, the person who received the NOV, the date of the infraction(s), the time and the reason for giving an informal notice instead of a formal NOV.